

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ESSEX INSURANCE COMPANY,

Plaintiff,

v.

BLACKHAWK ENGINEERING, INC., MARIA GARZA, individually, as Administratrix of the Estate of Armando Garza, and as next friend of YESENIA GARZA, and LIZETTE GARZA,

Defendants.

Case No. 11-cv-884-JPG-SCW

BLACKHAWK ENGINEERING, INC.,

Plaintiff,

v.

ESSEX INSURANCE COMPANY and
WESTCHESTER FIRE INSURANCE
COMPANY,

Defendants.

Case No. 11-cv-1054-JPG-
SCW

MEMORANDUM AND ORDER

This matter comes before the Court on Blackhawk Engineering, Inc.'s motion to dismiss its claims in member case 11-cv-1054-JPG-SCW against Westchester Fire Insurance Company without prejudice (Doc. 37), which the Court construes as a notice of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Rule 41(a)(1)(A)(i) allows a party to dismiss an action without a court order at any time before the opposing party serves an answer or a motion for summary judgment. Westchester Fire Insurance Company has not served an answer or motion for summary judgment in this case. Because Blackhawk Engineering, Inc. has an absolute right to dismiss its claims against Westchester Fire Insurance Company at the present

time, the Court finds that its claims against Westchester Fire Insurance Company are **DISMISSED without prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of the case. Westchester Fire Insurance Company is terminated from this action.

IT IS SO ORDERED.
DATED: April 2, 2012

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE